



Order Filed on July 15, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1

LOWENSTEIN SANDLER LLP

Joseph J. DiPasquale, Esq.
Michael Papandrea, Esq.
John P. Schneider, Esq.
One Lowenstein Drive
Roseland, New Jersey 07068
(973) 597-2500 (Telephone)
(973) 597-2400 (Facsimile)

Counsel to the Liquidating Trustee

In re:

NEW ENGLAND MOTOR FREIGHT, INC., *et al.*,¹

Debtors.

Chapter 11

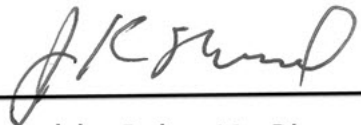
Case No. 19-12809 (JKS)

(Jointly Administered)

**STIPULATION AND CONSENT ORDER DISALLOWING AND EXPUNGING
CLAIM NO. 1286 FILED BY BSH HOME APPLIANCES CORPORATION**

The relief set forth on the following pages, numbered two (2) through and including four (4), is hereby **ORDERED**.

DATED: July 15, 2020



Honorable John K. Sherwood
United States Bankruptcy Court

¹ The Debtors in these Chapter 11 Cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); Mylon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

Page: 2
Debtor: New England Motor Freight, Inc., *et al.*
Case No.: 19-12809 (JKS)
Caption: Stipulation and Consent Order Disallowing and Expunging Claim No. 1286 filed by BSH Home Appliance Corporation

THIS MATTER comes before this Court upon the objection of the Liquidating Trustee² appointed in the above-captioned Chapter 11 Cases to Proof of Claim No. 1286 (“Claim No. 1286”) filed by BSH Home Appliances Corporation (“BSH,” and together with the Liquidating Trustee, the “Parties”), as set forth in the *Liquidating Trustee’s First Omnibus Objection to Certain Late Filed Claims* (the “Omnibus Objection”) [Docket No. 1245]; and the Court having jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and the hearing on the Omnibus Objection having been adjourned to July 14, 2020 solely as it relates to Claim No. 1286 pursuant to the Court’s *Order Granting the Liquidating Trustee’s First Omnibus Objection to Certain Late Filed Claims* entered on June 29, 2020 [Docket No. 1279]; and it appearing that proper and adequate notice of this matter has been given and that no other or further notice is necessary; and upon the record herein and the agreement of the Liquidating Trustee and BSH, the Court having determined that the relief provided for herein is in the best interests of the Debtors, their estates, and creditors; and after due deliberation and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. Claim No. 1286 filed by BSH is hereby disallowed and expunged in its entirety.
2. BSH agrees that it will not file or assert any additional claims (as this term is defined in Bankruptcy Code § 105(5)) against any of the Debtors in these Chapter 11 Cases. Any other

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Omnibus Objection (as defined herein).

Page: 3

Debtor: New England Motor Freight, Inc., *et al.*

Case No.: 19-12809 (JKS)

Caption: Stipulation and Consent Order Disallowing and Expunging Claim No. 1286 filed by BSH Home Appliance Corporation

claim (as this term is defined in Bankruptcy Code § 105(5)) filed or asserted by BSH against any of the Debtors in these Chapter 11 Cases is hereby automatically expunged without any further action or order necessary.

3. The Liquidating Trustee forever waives and releases any and all claims and causes of action that the Liquidating Trust has asserted or may assert against BSH.

4. The Liquidating Trustee, the Debtors, the claims agent appointed in these Chapter 11 Cases (Donlin, Recano & Company, Inc.), and the Clerk of this Court are authorized to take any and all actions that are necessary or appropriate to give effect to this Order.

5. The terms set forth in this Order represent the entire agreement between the Parties and may only be modified in a writing signed by the Parties.

6. THE PARTIES EXPRESSLY WAIVE ANY RIGHT TO A TRIAL BY JURY OF ANY DISPUTE ARISING UNDER, OR RELATING TO, THE SETTLEMENT SET FORTH IN THIS ORDER.

7. Each of the Parties hereto consents to the jurisdiction of the Court to adjudicate any and all disputes arising under or relating to this Order.

8. The terms of this Order shall be governed by, and construed and interpreted with, the laws of the State of New Jersey without regard to any conflict of law provisions.

9. This Order shall be binding upon the Parties hereto and any of their successors, representatives, and/or assigns.

10. This Order may be executed in counterparts and all executed counterparts taken together shall constitute one document.

Page: 4
Debtor: New England Motor Freight, Inc., *et al.*
Case No.: 19-12809 (JKS)
Caption: Stipulation and Consent Order Disallowing and Expunging Claim No. 1286 filed by BSH Home Appliance Corporation

11. This Order has been drafted through a joint effort of the Parties and, therefore, shall not be construed in favor of or against any of the Parties. The terms of this Order shall be deemed to have been jointly negotiated and drafted by the Parties.

12. Notwithstanding the applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

13. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: July 13, 2020

STIPULATED AND AGREED:

LOWENSTEIN SANDLER LLP

By: /s/ Joseph DiPasquale
Joseph J. DiPasquale, Esq.
Michael Papandrea, Esq.
John P. Schneider, Esq.
One Lowenstein Drive
Roseland, New Jersey 07068
Telephone: (973) 597-2500
Facsimile: (973) 597-2400
jdipasquale@lowenstein.com
mpapandrea@lowenstein.com
jschneider@lowenstein.com

Counsel to the Liquidating Trustee

**SHULMAN BASTIAN FRIEDMAN
& BUI LLP**

By: /s/ Alan Friedman
Alan J. Friedman, Esq.
Orange County - 100
Spectrum Center Drive
Suite 600
Irvine, CA 92618
Telephone: (949) 340-3400
afriedman@shulmanbastian.com

*Counsel to BSH Home Appliances
Corporation*